

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
Qwest Communications)	WC Docket No. 02-189
International Inc.)	
)	
Consolidated Application for Authority)	
to Provide In-Region, InterLATA Services)	
in Montana, Utah, Washington, and)	
Wyoming)	

REPLY DECLARATION OF MICHAEL G. WILLIAMS

on

Commercial Performance

Business and Centrex 21 where they were previously reported. This change also implements separate reporting for UNE-P (Centrex) (i.e., non-POTS, or "complex," Centrex) under its own product heading, consisting of results previously reported under Resale Centrex. This change is effective with this (Nov 00 - Oct 01) report beginning with Oct 01 results with a rerun of Jan - Sep 01 results. A PID update proposal has been submitted to the TAG and is under consideration as of 29 Nov 01 (ROC) and 03 Dec 01 (AZ)." These reporting changes were made when Qwest determined the new product UNE-E/UNE-Star more closely aligned with UNE-P than the resale product reporting categories.

81. Because Eschelon's business lines had been converted to UNE-E/UNE-Star rates by an agreement reached with them in October 2000, their reporting was changed to UNE-P as part of the change in reporting described above and noticed to the CLEC community via the standard notification vehicle for results reporting changes -- the monthly Summary of Notes. Thus Qwest satisfied any obligation it may have had for notifying CLECs of changes in reporting results.

G. CLEC Specific Performance Data Show that Parties With So-Called "Unfiled Agreements" Received Equivalent Service from Qwest.

82. AT&T and several other CLECs claim there is "overwhelming evidence" that Qwest entered into "agreements, which blatantly favor some CLECs over others, [and] are a patent violation of Qwest's obligation to provide 'access' to its network facilities on terms and conditions that are 'nondiscriminatory.'"¹⁴²

¹⁴² AT&T Comments at 16.

Based on this allegation, AT&T claims the so-called unfiled agreements “provide dispositive evidence that Qwest does not provide access to network elements (and other checklist items) on nondiscriminatory terms.”¹⁴³ This is simply untrue.

83. AT&T focused on unfiled agreements with three CLECs – Covad, Eschelon and McLeod – as especially relevant due to the CLECs’ size.¹⁴⁴ AT&T made two performance allegations: (1) that Covad obtained preferential firm order confirmations (FOCs) that allowed it to obtain “superior access to UNEs to the competitive detriment of all others;” and (2) that Qwest made it easier for certain CLECs to submit orders such that certain “CLECs may have skewed [the OSS Test] results.” These allegations are based on speculation, not actual data. AT&T and the other CLECs seem to believe that by making broad-brush statements, they have somehow proven that Qwest’s performance is inadequate.

84. In the same pleading, however, AT&T acknowledges that “Qwest’s own performance data . . . is the most probative evidence of whether Qwest is meeting its OSS obligations”¹⁴⁵ Qwest’s performance data, the very data AT&T acknowledges is the “most probative,” shows that the CLECs who entered into unfiled agreements with Qwest do not receive preferential treatment in ordering, provisioning and repair of UNEs.

¹⁴³ AT&T Comments at 17.

¹⁴⁴ AT&T Comments at 19.

¹⁴⁵ AT&T Comments at 29.

85. Qwest has gathered data from the four products ordered most prevalently by these CLECs: (1) analog loops; (2) 2-wire non-loaded loops; (3) UNE-P POTS; and (4) UNE-P-Centrex. For each of these products, Qwest tracked flow through rate (PO-2b), the percentage of commitments met (OP-3), the average installation interval (OP-4), and the overall trouble rate (MR-8). Collectively, these data points are the key measures that, if AT&T's allegations had merit, would show better treatment for these CLECs. However, the data simply does not bear this out.

86. Attached hereto as Confidential Exhibit MGW-1, I present (1) a summary document showing how Qwest performed for each of these CLECs *vis-à-vis* all other CLECs; (2) the actual level of performance that Qwest provided to these individual CLECs as compared to all other CLECs collectively; and (3) the overall order volumes that the CLEC represents in each state for each product. The data on these charts comes directly from the CLEC specific performance reports, which are already a part of the confidential record in this docket. Focusing on the six most recent months (January — June 2002) for the states of Colorado, Iowa, Idaho, Nebraska and North Dakota, the data show that

- Eschelon had 21 months with better data than other CLECs, 22 months with worse data, and 34 months with equivalent data
- Covad had 19 months with better data than other CLECs, 6 months with worse data, and 32 months with equivalent data
- McLeod had 126 months with better data than other CLECs, 120 months with worse data, and 346 months with equivalent data.

Thus, aggregating the three CLECs together, they had 166 months with better data, 148 months with worse data, and 412 months with equivalent data. This is exactly the kind of randomness you would expect to see for any group of CLECs.

87. The data clearly shows that CLECs with unfiled agreements did not receive preferential treatment in the ordering, provisioning and repair of UNEs.

H. The Commission Should Reject AT&T's Request for Additional PIDs.

88. AT&T argues that the Commission should require Qwest to add additional PIDs, as recommended by KPMG.^{146/} This argument has no merit. All of the current PIDs were developed in a collaborative process with all parties, including AT&T, providing input. The ROC PIDs are the result of years of negotiations and agreements. AT&T makes a mockery of this process by suggesting, at this late hour, that Qwest's Application is insufficient because more PIDs are needed.

89. The Commission confronted an identical concern raised by AT&T in New York. There, the Commission held that "[w]e disagree with commenters who suggest that additional metrics must be added . . . , and note that the New York Commission has indicated that it will consider adding new metrics, if necessary, in the future."^{147/} The Commission should do the same here.

^{146/} AT&T Finnegan Decl. at 47-53.

^{147/} *New York Section 271 Order* at ¶ 439.

**SUMMARY -
SELECTED PIDS**

[illegible]

SUMMARY - SELECTED PIDS

REDACTED-FOR PUBLIC INSPECTION

SUMMARY - SELECTED PIDS

REDACTED-FOR PUBLIC INSPECTION

SUMMARY - SELECTED PIDS

REDACTED-FOR PUBLIC INSPECTION

**SUMMARY -
SELECTED PIDS**
FOR THE PERIOD OF JAN - JUN 2002

[illegible]

SUMMARY - SELECTED PIDS

REDACTED-FOR PUBLIC INSPECTION

SUMMARY - SELECTED PID:

[illegible]

SUMMARY - SELECTED PIDS

REDACTED-FOR PUBLIC INSPECTION

SUMMARY - SELECTED PIDS:

[illegible]

PO-2

Results

PO-2
ELECTRONIC FLOW-THROUGH FOR ALL ELIGIBLE LSRS

[illegible][illegible]

PO-2

Results

OP-3
INSTALLATION COMMITMENTS MET

[illegible][illegible]

OP-3

Results

[illegible]

OP-3
INSTALLATION COMMITMENTS MET

[illegible][illegible]

OP-3
INSTALLATION COMMITMENTS MET

[illegible][illegible]

(AVG. DAYS)

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Page 1 of 4

(AVG. DAYS)

MoYr

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[illegible]

(AVG. DAYS)

Results

Results				MoYr					
PID Code	Product Code	State	CLEC	Jan-02	Feb-02	Mar-02	Apr-02	May-02	Jun-02

[illegible]

(AVG. DAYS)

REDACTED-FOR PUBLIC INSPECTION

MR-8
TROUBLE RATE

[illegible]

MR-8
TROUBLE RATE

[illegible]

FOR THE PERIOD OF JAN - JUN 2002

REDACTED-FOR PUBLIC INSPECTION

CLEC VOLUMES

SELECTED PIDS

FOR THE PERIOD OF JAN - JUN 2002

PIO	PRODUCT	DESCRIPTION	2010					5 STATE AVG.
			CO	IA	ID	ND	NE	
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	2	2						
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